

The Washington Board

Informing Professional
Engineers and Professional
Land Surveyors of the events
and developments that affect
their professions



Journal

Number 27 • Spring 2001

INSIDE:

YOUR BOARD MEMBERS

Carol L. Fleskes, PE, Chair
Bucoda

Daniel B. Clark, PLS
Spokane

Nancy Miller-Duevel, PE
Renton

Albert J. Hebrank, PLS
SeaTac

Hal Williamson, PE
Richland

Lyle Hansen, PE
Bremerton

Ying Fay Chan, PE
Olympia

MESSAGE FROM THE CHAIR 2

NEWS TO YOU

New Conditions for Structural Licensing	3
Board holds workshop with Engineering Deans	4
Board moves to eliminate selected examination reviews	4
Earthquake 2001	4
Board needs to update list of technical consultants	5
Possible Board vacancy opens this summer	5
Legislation update	5
On-site Wastewater Designers	5
Questions and Answers	6

EXAMINATIONS

Name change for electrical PE exam	7
FE exam preparation materials	7
NCEES goes on-line with a practice civil exam	7

INVESTIGATIONS AND ENFORCEMENT

Statistics of Investigation Activity	8
Summaries of investigations and actions by the Board	8

SCHEDULES

October 2000 Examination Results	14
2001 Board and Committee Calendar of Events	14

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Message from the Chair

Carol Fleskes, PE

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Last Journal I talked about changes coming in the examination process. Well the changes don't stop there. As you can see, we have changed the look of the Journal. The content subjects have not changed and we will continue to bring to you and your colleagues topics of interest and relevance to your practice.

I would like to use my space this time to talk about the disciplinary process and the changes the Board is making to be more focused, timely and fair. These changes have been driven by several factors such as opinions from the Attorney General's office, new investigative staff assignments, more active role in investigations by board members and the unfortunate discovery in one particular investigation where decisions made were not necessarily supported by the information that had been obtained. To help us move in a productive and positive direction the Board sought the input of some investigative staff from the Department of Health. With their input on key process issues and confirmation of those steps, which were already substantially sound, we believe we are making positive progress toward improvement. We remain committed to being responsive to those who file complaints with our office as well as governing our licensees in a fair and just manner.

So, how do we approach discipline? It all starts with a complaint that names an individual or firm and alleges they have violated one of the laws or regulations under the jurisdiction of the Board. If the respondent is a licensee under chapter 18.43 RCW the complaint is shared with the respondent within days of receipt of the complaint. This notification is required by law, but more importantly, gives the licensee an opportunity to share their side of the story with the Practice Committee of the Board at the time of their assessment for determining whether there is cause to investigate the matter. At that point respondents are offered the opportunity to respond only if they choose to. They are not required to do so unless the matter is under actual investigation.

The information from the complainant and any provided by the respondent is then distributed to the Practice Committee of the Board (three members) who, without knowledge of the names of individuals, attempt to reach a preliminary decision of whether an investigation should proceed. Specifically, the committee is looking at what violations of statute are being alleged and whether the Board has jurisdiction. Some issues that frequently are included in complaints such as fee disputes, contractual disputes and boundary disputes are, for the most part, beyond the authority granted to the Board. However, the Board is fully interested in any allegations of incompetence, negligence, poor quality work, unprofessional conduct and overall lack of adherence to the established standards of practice. It is a key part of the decision process that the complainant needs to supply enough factual information for the Board to determine that a potential violation has occurred. Once the Committee has determined there are possible violations, of which we have jurisdiction over, an investigation is opened, case number assigned, investigator assigned

News To You

New Conditions for Structural Licensing

During the legislative session last spring the 2000 Legislature enacted an amendment to chapter 18.43 RCW that changes the requirements for licensure in Structural Engineering. A comparison of the existing and new requirements are outlined below. These examples assume a candidate has four years of approved educational experience and has passed the Fundamental of Engineering Examination. Candidates who have not received a passing score on the necessary Structural examinations by January 30, 2002 will be subject to the new requirements.

Experience Requirements

Existing: Four years of qualifying experience in structural engineering that shows a progression of responsibility and complexity.

New: Six years of qualifying experience showing a progression of responsibility and complexity, two years of which must be in structural engineering.

Prior License Requirement

Existing: There is no requirement that a candidate for structural licensing must hold an existing license as a professional engineer before applying.

New: A candidate for structural licensing must demonstrate that they are already licensed as a professional engineer in a manner consistent with the requirements of chapter 18.43 RCW.

Examinations

Existing: Candidates must pass the three examinations administered by the Board. Structural I (8 hours), Structural II (8 hours) and Structural III (4 hours).

New: The examination requirements are the same as existing.

Comity Licensure

Existing: Candidates must demonstrate they have passed the NCEES Structural I & II examinations.

They are then required to pass the Washington Structural III. Candidates who have passed the Western States Structural Examination (16 hours) prior to 2000 may be granted a license without further examination.

New: The comity requirements are the same as existing.

Summary of Key Changes and Dates

- To qualify under the existing requirements the application must be completed and postmarked by July 1, 2001.
- All existing candidates who have submitted approved applications before July 1, 2001 must have passed all required examinations by January 30, 2002.
- For one administration only, candidates will be afforded the opportunity to take all three required examinations over a three day administration in October 2001. Those candidates who have already passed portions of the required examinations need only complete the failed and untaken portions.

Board Holds Workshop with Engineering Deans

In April of this year the Board will hold its renewal of the biannual workshop involving the deans of the engineering schools in Washington. For over eight years the Board has hosted workshops where representatives from the colleges and universities have been presented with information on the work of the Board and selected statistics on the NCEES engineering examinations. These workshops have been part of the Board's continuing effort to cultivate an atmosphere of cooperation between the academic and regulatory aspects of the engineering profession.

Like in the past the Board will share with the representatives various statistics on the performance of their graduates when taking the Fundamental of Engineering (FE) examination. In addition, Mike Shannan, PE, NCEES Director of the FE examinations, will be in attendance to

promote the more extensive use of the FE examination as an outcome assessment tool. The examination performance is useful so the schools can more thoroughly evaluate the level of achievement in their graduates as well as target the areas of their curriculums where performance may not meet the school's expectations.

Invitations have been sent to all Washington schools as well as the University of British Columbia, Simon Frazier University, University of Idaho, University of Portland and Portland State University.

Board Moves to Eliminate Selected Examination Reviews

In a response to policy changes adopted by the National Council of Examiners for Engineering and Surveying (NCEES), the Washington Board of Registration is in the process of changing its rules and policies about examination reviews.

For dozens of years the Board has always provided opportunity, for candidates who failed an examination, to review that examination. This was done because most of our examinations asked candidates to provide "essay/calculation" type responses that could have been subject to various interpretations by graders. Both our locally prepared examinations and the NCEES examinations were open to candidates for review and, if the candidates felt the grading was inappropriate, they could request a rescore. The intent of that process was simply to provide the candidate the best opportunity to demonstrate their knowledge to meet the licensing standard.

In recent years both our locally prepared examinations and those from NCEES have undergone significant changes. Most notably is the change to multiple-choice (objectively scored) examinations. This transition was done to help better standardize the examinations and eliminate subjective affects in the grading process. With these changes came the realization that rescoring could not be accommodated in the same way as they were for the essay exam items. While blanket adjustments were made for all candidates if a test item was found to be defective, the NCEES did not provide opportunity for the multiple choice examinations to be reviewed with the same level of scrutiny that was offered to those who completed essay examination items.

Under the new policies and rules being adopted by the Board, candidates who received a failing score on an objectively scored examination will be notified of their score as well as a breakdown of their individual perfor-

mance in the various subjects in the examination. For instance, an FE candidate will be shown that they gave a correct answer to 5 of the 10 items in computer design or 6 of the 8 in thermodynamics. They will not be provided an opportunity to see specifically what questions within those groups they did not answer correctly. As we move through this transition similar performance reports will be given to those who fail the principle and practice examinations in engineering and land surveying.

These changes do not alter the intended outcome of the licensing effort. That is, to provide a fair examination to qualified candidates who must demonstrate sufficient knowledge to be minimally competent. In fact, the multiple choice formats provide far more uniformity and standardization than was ever available through essay examinations. At any given time all similar candidates take the same examination, which is uniformly graded upon the same standard.

Earthquake 2001

While the recent earthquake shook things up here in Olympia (literally and figuratively), our office operations only experienced brief disruption on the day of the quake. In fact, the office building we are located in is one of the many state facilities that fared quite well considering the level of damage experienced in other structures around the area.

For those individuals whose schedules to meet with our staff or to access information from our office was interrupted or delayed we do apologize and thank you for your patience. Aside from some "rattled nerves" we were open for regular business the following morning.

On another note it seems timely to mention a reminder to those of you who may have been engaged to perform inspections or assessments of earthquake damage. Professional Engineers who perform or supervise these inspections must keep in mind that their work is governed by the Rules of Professional Conduct in chapter 196-27 WAC. Specifically, we draw attention to those provisions requiring the work to satisfy the requirements of stamping documents, "direct supervision" and "within the area(s) of competence". It would be a violation of the Engineer's Registration Act, chapter 18.43 RCW, for an engineer to undertake an inspection or render a professional opinion of damage if it dealt with technical matters beyond the skill and knowledge of the engineer or to otherwise act contrary to those rules.

While many individuals may have performed such inspections in the weeks following the earthquake, it is the

opinion of the Board that such inspections should not result in structural or system redesign unless the work is supervised by a qualified licensed professional engineer or architect. If anyone has questions on that issue they should contact their local building officials or this office.

Board Needs to Update List of Technical Consultants

Several years ago the Board asked licensees from all areas of practice whether they would be interested in possibly serving as a technical expert to the Board. The work the Board generally needs is: writing of examination questions, grading of locally prepared examinations and support to the investigation program. Many individuals responded and since that time several have been contacted to assist in those areas. That assistance has been very beneficial to the Board, the public, applicants and licensees. It is now time to renew the same request so that our list contains current information and will provide us with a good cross section of the many areas governed by this Board.

If you are interested in providing service to the Board as a consultant we would like to hear from you. To have your name added to our list or have your current information updated, we ask that you provide the following: Name, mailing address, telephone number and certificate number. In addition, we ask that you give us an indication of where you feel your strongest technical knowledge lies. For instance, an engineer may be licensed in mechanical engineering but feel they are most experienced in HVAC applications. Or, maybe a land surveyor may feel they are better qualified to comment on tideland boundaries instead of cadastral surveys.

Two particular areas governed by the Board will likely see a need for consultants in the near future. First, given the recent earthquake there may be an increase in our number of complaints related to building designs and inspections. Second, a good portion of our complaint activity concerns land surveying. If either of these areas of specialty is in your practice we would especially like to hear from you.

You can respond to this invitation by mailing, faxing or e-mailing your personal data to the Board. If selected to assist the Board, technical consultants are placed under contract and if a fee is paid, it is negotiated based upon the work required, the level of experience of the licensee and their availability. All consultants receive reimbursement of their out-of-pocket expenses.

Possible Board Vacancy Opens This Summer

In July of this year the first term of Nancy Duevel, PE (structural) will be completed. It will then be necessary for the office of the governor to either reappoint Ms. Duevel to a second term or make a new appointment. If you are interested in applying for this possible vacancy please contact George Twiss, Executive Director, at 360-664-1565 or e-mail to gtwiss@dol.wa.gov.

The requirements for an applicant are: hold an active license as a Professional Engineer; have been licensed for at least 10 years prior to appointment; be in active practice for the 5 years immediately preceding appointment and be a citizen of the United States.

Legislative Update

In January the Board received approval from the Department of Licensing for a request to amend a portion of chapter 18.43 RCW. The specific section is RCW 18.43.080 and deals with the conditions of license renewals. The current language was in conflict with other statutory provisions where the date of renewal, renewal interval and renewal fee are set by the Director of the Department of Licensing.

The proposed amendment under House Bill 1161 and Senate Bill 5357 corrects this conflict and puts the provisions in chapter 18.43 in agreement with the authorities granted to the Director in chapter 43.24 RCW. This provision makes no changes to the process we currently follow, does not impact workload and will not have a fiscal impact on our program when enacted.

As of this writing the bill is moving forward with a friendly amendment to the original draft. The amendment states that the Department will issue renewal notices but that the responsibility to renew a license rests with the licensee.

On-site Wastewater Designers

The implementation of the new On-Site Wastewater Treatment System Designer Licensing / Inspector Certification program continues with examination development and rules writing activities all progressing as scheduled. The first licensing examination is ready to go and will be administered in conjunction with the other Board exams during the afternoon session on April 21, 2001. The examination is a four-hour, 100 question, multiple choice format and will cover the following subject matter:

Data Gathering — 30 items

- Information from Client
- Information Gathered from Other Sources
- Overall Site Evaluation
- Evaluation of the Soil
- Documentation

Design — 45 items

- Location
- Type of System
- Final Design Preparation and Application Submittal

Construction Management — 15 items

- Preparation
- Project Execution
- Final Inspection

Post-construction Activities — 10 items

- Documentation
- Operations and Maintenance

Applications for the examination have been developed and provided to all persons registered as Practice Permit holders with the Board, or on our mailing list as local health inspectors. The Board anticipates approximately 125 applicants will take the initial exam. Many of those will be employees of local health departments. The new law requires all employees that inspect or review on-site systems to take and pass the licensing examination within the first year of employment. Successful local health applicants will receive a “Certificate of Competency” rather than a license. The “Certificate of Competency” is a demonstration that they are knowledgeable and competent in the engineering aspects of on-site wastewater treatment science and technologies.

Rule making activities continue with the development of rules for professional conduct, direct supervision, and stamp design and use. Hearings and adoption are scheduled for April and May 2001.

The On-Site Advisory Committee and the Director of the Department of Licensing accepted the resignation from the committee of Mr. Dave Lenning. Mr. Lenning’s duties as Director of the Northwest On-Site Training Center in Puyallup placed him in an ethical dilemma with regard to his participation in the development of the licensing examination. As much of Mr. Lenning’s work will require him to prepare designers to take the licensing examination, Mr. Lenning felt that the integrity of the exam process and the Advisory Committee would be best served if he were to tender his resignation. Mr. Lenning’s attention to detail and devotion to the on-site industry are very much appreci-

ated and his presence on the committee will be missed.

Mr. Lenning’s departure, coupled with the expiration of terms of two temporary members and one already vacant regular member position meant that Fred Stephens, Director of the Department of Licensing, had four appointments to make to the committee. Temporary members Mr. Kevin Barry, Grant County Environmental Health Director, and Mr. Dean Bannister, Bannister Septic in Mount Vernon received re-appointment to the committee. The Director chose Mr. David Jensen, PE, D.R. Strong Consulting Engineers, Kirkland, and Mr. Kenneth Mitchell, PE Irrigation & Hydraulics Unlimited, Consulting Engineers, Yakima, to the two regular member positions. Mr. Jensen and Mr. Mitchell are each appointed until 2002.

If you have any questions regarding the implementation of this program, please contact program staff at (360) 664-1568 or visit our web site: www.wa.gov/dol/bpd/onsitefront.htm.

QUESTION & ANSWERS

Licensing in Structural Engineering

Question: *Last year the legislature passed an amendment to chapter 18.43 that changes the requirements for individuals to become licensed in Structural Engineering. As I understand it, the amendment states that individuals who have submitted a complete application before July 1, 2001 are not required to meet the new experience requirements of 10 years provided they have received passing scores on each of the structural examinations by January 30, 2002. I was told earlier that I could not sit for the Structural II exam until I had received a passing score on Structural I. If that is the case, how can an applicant who submits an application by July 1, 2001 have a chance to pass all the exams before January 31, 2002?*

Answer: Your understanding of the conditions for the licensing in structural engineering is correct. However, the Board has recognized the “time crunch” imposed by the legislation and will be offering an approved candidate the opportunity to take all three structural examinations (NCEES Structural I & II, Washington Structural III) during the October 2001 administration. Preliminarily speaking, the plan is to administer the Structural III examination on Thursday afternoon, the

Examinations

Name Change for Electrical PE Exam

Effective April 2002 the name of the Principles and Practice of Electrical Engineering examination will be changed to the Principles and Practice of Electrical and Computer Engineering examination. The National Council for Examiners for Engineering and Surveying (NCEES) took this action so that the examination better reflects the majority of electrical engineering university programs that are called electrical and computer engineering. In terms of enrollment, the number of students majoring in computer engineering is about equal to the number of enrollees in electrical engineering. As a result, there is a large body of people who can be served with this exam for licensure.

The name change is particularly appropriate, as it will coincide with the exam's conversion to a new breadth and depth format. The April 2002 exam will contain both a morning module testing the breadth of electrical engineering, and three afternoon modules testing depth topics in electrical and computer engineering. All candidates will work the same morning breadth module. They will then choose the afternoon depth module that best corresponds to their area of expertise. Computer engineering is one of the depth modules, containing a balanced number of questions on hardware and software content as well as a small number of questions on networks. The morning breadth module combined with the Computer depth module is very appropriate for individuals from computer engineering programs. Other afternoon depth modules are Electronics/Controls/Communications and Power.

The National Council for Examiners for Engineering and Surveying develops licensing examinations for the engineering and land surveying professions. These examinations are used by engineering and land surveying licensing boards across the U.S. as part of their candidate assessment process. NCEES headquarters is located in Clemson, S.C.

FE Exam Preparation Materials

The National Council for Examiners for Engineering and Surveying (NCEES) has developed new preparation materials for Fundamental of Engineering (FE)

examination candidates.

Practice Problems for the FE Exam – Discipline – specific CD-ROM

FE candidates can now purchase any of six CD-ROMs that present NCEES practice problems in an accessible electronic format. A CD-ROM is available for each of the six afternoon modules currently offered in the FE exam: General, Civil, Chemical, Electrical, Mechanical and Industrial. The new product features content similar to what is currently found in NCEES printed *FE Sample Questions and Solutions* publications, but CD-ROM technology adds an exciting and useful dimension to the material. Each *Practice Problems* CD-ROM allows users to review practice questions in a tutorial approach where hints are provided, solutions can be reviewed, and users can proceed at their own studying pace. In the test mode users can complete a timed practice mini-exam. Results and solutions are offered at the end of the exam.

The CD-ROMs are available on a discipline-specific basis for \$29.95 from NCEES. They may be purchased from the NCEES Web site, www.ncees.org, or by calling NCEES customer service at 1-800-250-3196.

NCEES Goes On-line with a Practice Civil Exam

In the continuing effort to keep examination preparation materials updated, the National Council of Examiners for Engineering and Surveying (NCEES) has developed new preparation materials for civil PE candidates. Civil PE candidates can now take a mini-examination via the Internet. This online product offers the candidate the opportunity to sit for what amounts to half an exam, with half the number of questions administered in half the amount of time given during a real exam. Candidates can purchase the Internet practice exam, and take the exam in whole or in parts, at their convenience. Upon completing each module (morning breadth and afternoon depth), the candidate will receive feedback on their responses, including the correct solution. The Internet Practice Examination may be

Investigations & Enforcement

Summaries of Investigations and Actions by the Board

Statistics of Actions Taken by the Board from July 1, 2000 through December 31, 2000.

Active Investigations as of July 1, 2000	58
Complaints opened for investigation	25
Investigations closed	29
Active Investigations as of December 31, 2000	54

Summary by Month:

	Complaint Received	Investigations Opened
July	5	4
August	16	12
September	7	4
October	No Meeting	
November	11	5
December	No Meeting	
Totals	39	25

Summary by Profession as of December 31, 2000:

	Active Investigations	Compliance Orders
Prof. Engineers	14	6
Prof. Land Surveyors	17	2
Unlic. Engineers	4	1
Unlic. Land Surveyors	2	0
Totals	37	9

In the following case summaries you will read of disciplinary actions taken by the Board from July 1, 2000 to December 31, 2000.

NOTE: These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Board at 360-664-1571.

FORMAL ACTIONS:

Engineering Practice

James F. Nims, PE, PLS, Case No. 96-05-0001, 98-08-0001, 98-10-0002, and 98-10-0003

James F. Nims, PE, PLS, a resident of the Ocean Park, Washington area, was the subject of a Board hearing on March 30, 31 and April 20, 21, 2000. The hearing resulted from an investigation related to his engineering design services for multiple on-site wastewater treatment systems within Clark and Lewis County. That hearing resulted in a Findings of Fact, Conclusions of Law and Order which revoked Mr. Nims' professional engineer's license, and requires that to reapply for licensure he must meet all the requirements of a new applicant, including successfully passing the full examination for licensure. That order was appealed to the Pacific County Superior Court and is currently pending. Mr. Nims' license remains revoked pending the appeal.

Samuel C. Roskin, PE, Case No. 00-07-0003

Mr. Roskin was the subject of a Board investigation related to his practice of engineering with an expired license. The investigation disclosed that Mr. Roskin's professional engineer's license was expired for a period of approximately 14 months and during which he offered and performed engineering services on 18 separate projects. Mr.

Roskin has renewed his license and is currently active on the Board's records.

The case manager felt there were mitigating circumstances that affected his timely renewal of his license. Through Stipulated Findings of Fact, Conclusions of Law and Agreed Order, Mr. Roskin agreed to accept a reprimand and pay a \$250 fine.

Benton S. Cook, PE, Case No. 99-02-0005

Mr. Cook was the subject of a Board investigation in connection with a report he stamped which evaluated the effect of a timber harvest on slope stability and erosion processes. Said report was submitted to a county agency in support of a forest practice application. Through the investigation process the Board revealed evidence where the licensee placed his seal and signature on a document that was based on technical content that was neither prepared by the licensee nor under his direct supervision. It was further believed that he engaged to provide the geotechnical report without prior experience in that technical area.

As a result the Board issued a Statement of Charges and a settlement opportunity. After a settlement conference between the Board, Mr. Cook and his attorney, an Agreed Order was entered into between Mr. Cook and the Board. This order included a \$500 fine, a two-year suspension (stayed for one year) pending completion of the Washington State Law & Ethics examination and satisfactory completion of a course on Professionalism and Ethics.

Investigation Summaries:

Engineering

Case No. 00-05-0003

This complaint alleged a professional engineer was incompetent in the engineering design and oversight of the construction activities for a channel relocation project. Specifically alleged, in part, were the channel redesign, construction of the channel relocation and installed components within the channel seemed inadequate and that the structures appear to be insufficiently installed to with-

stand the water flow. During the course of the investigation, the respondent provided detailed information concerning the channel relocation design and how his decisions were made. After review, the case manager found no evidence to support the allegations and recommended that no action be taken.

Case No. 00-08-0010

This investigation involved a review of an enforcement action taken by the state of Idaho against a professional engineer, also licensed in Washington. The Idaho Board had charged the licensee with failing to place his seal, signature and date of work on project plans as required by their statute. Through a Stipulation and Consent Order the licensee was admonished and required to reimburse his client \$180. Given the minor nature of the infraction, and that the engineer had satisfied all the terms set forth in the Idaho order, the Washington Board decided that no further action be taken. The engineer was notified that a record of the violation has been made and may be reconsidered at such time that another complaint is filed against him.

Case No. 00-07-0004

This investigation stemmed from allegations that a firm was advertising engineering services without a professional engineer on staff. The firm was not using the title of engineering but the investigation revealed that the firm was providing drafting services. Given that the allegations were unfounded, the case was closed.

However, the Board did issue a letter to the firm recommending that the firm modify their advertising to reflect the actual work performed.

Case No. 00-08-0001

This investigation involved a review of a November 1998 Texas Board order against a professional engineer, also licensed in Washington. The Texas Board charged the engineer with aiding and abetting the unlicensed practice of engineering when he allowed a firm to use his name and credentials on business cards when that firm did not employ a full-time professional engineer. Through a Consent Order, the PE agreed to complete an ethics course.

Believing that the Texas Board had taken appropriate corrective measures to ensure public safety, and the licensee has stated he has performed no work within Washington, the Washington Board decided that no further action be taken. The licensee was notified that a record of the action has been made and may be reconsidered at such time that another complaint is filed against him in Washington.

Case No. 00-08-0002

This investigation involved a review of enforcement action taken by the state of Oklahoma against a professional engineer, also licensed in Washington. The Oklahoma Board charged the licensee of having aided and abetted the unlicensed practice of engineering by an Oklahoma firm. Through a Consent Order the licensee agreed to pay a fine of \$10,000. In response the licensee provided a written explanation regarding the Oklahoma order and indicated he was performing no engineering activities within Washington. As the licensee is not performing engineering work in Washington, the Board decided that no further action be taken. The engineer was notified that a record of the action has been made and may be reconsidered at such time that another complaint is filed against him in Washington.

Case No. 00-08-0006

This investigation involved a review of enforcement action taken by the state of Nevada against a professional engineer, also licensed in Washington. The licensee was charged with having affixed his Nevada seal to three sets of drawings while his license to practice was expired. Through a Stipulated Agreement, the licensee agreed to pay a fine of \$500, accept a reprimand and notify his clients of his expired license status at the time that he prepared their drawings. In response the licensee provided a written explanation regarding the Nevada order and stated he was performing no engineering activities within Washington. As the licensee is not performing engineering work in Washington, the Board decided that no further action be taken. The engineer was notified that a record of the action has been made and may be reconsidered at such time that another complaint is filed against him in Washington.

Case No. 99-11-0001

This complaint involved allegations that an engineering firm and its' principals engaged in unprofessional conduct by failing to provide pertinent information on drawings for a proposed short subdivision, charging fees in excess of the quoted estimate, and rude behavior in a fee dispute meeting. In response, the firm denied the allegations claiming that the complaint was filed to force a reduction in the fees due. During the course of the investigation, the contract/ fee issues were resolved and the short plat recorded with the appropriate city officials. The case manager found no merits to the allegations and found the work of the firm consistent with the scope of services to be performed.

Case No. 00-05-0002

Within this complaint, a professional engineer alleged that another professional engineer copied his sealed calculations to use in his own designs, the copied calculations contained numerous errors and that the licensee is working outside his area of competence. The alleged copied/erroneous calculations were for a billboard type structure.

After review of the materials on the project in question, the case manager found no evidence to support the allegations. The type of design prepared is very typical and the licensee may have used a design sample to design his structure but it did not appear that the calculations were copied. Although the calculations may have contained some errors, it was the case manager's opinion that those errors did not rise to the level of incompetence.

Case No. 99-03-0007

This investigation involved allegations concerning a firm's web site advertisement that marketed "do-it-yourself" pole building plans. These plans, which are driven by computer based programs, included the seal of a professional engineer that the Board had been previously notified was incapacitated and had not practiced engineering for six or seven years. While the case manager found that the plans did include the PE's seal, the investigation also revealed that the firm had stopped using the stamped drawings. Additionally, access to the

firm's web site is no longer available and it appears that the firm had gone out-of-business.

Case No. 00-09-0003

This investigation was opened by allegations that an individual was engaged in unlicensed engineering activity in connection with wastewater treatment plant projects. The individual, who has an Alaska PE license, is the chief engineer for an Alaska firm that produces these plants. The complainants alleged that this individual rendered numerous professional opinions on behalf of the firm for products in this state. The respondent provided a detailed response on his activities and relationship with the firm.

It appeared to the case manager that the respondent's activities were of a technician level and did not contain professional engineering type opinions or recommendations. It was further noted that a Washington PE was involved in the marketing and discussions for a potential plant to be located in this state. With the allegations unsubstantiated the case was closed with no action

Case No. 99-09-0001

This investigation involved a review of an enforcement action taken by the state of Texas against a professional engineer, also licensed in Washington. The Texas charges were based on a prior enforcement action taken by the Nevada Board. The Nevada charges concerned the submittal of incomplete plans and failure to exercise proper care in his review of plans and calculations prepared by unlicensed engineers under the direct supervision of the engineer. Through a Stipulated Agreement the licensee agreed to pay a \$2,500 fine and have his license suspended for two years fully probated. In response, the licensee provided a written explanation of the Texas and Nevada order and stated he is performing no engineering activities in Washington.

Believing the Texas and Nevada Boards have taken appropriate corrective measures to ensure public safety, the Board decided that the case be closed with no further action. The licensee was notified that a record of these actions has been made and may be reconsidered at such time another com-

plaint is filed against him in Washington.

Case No. 00-08-0004

This investigation involved a review of an enforcement action taken by the state of Wyoming against a professional engineer, also licensed in Washington. The Wyoming Board had charged the licensee in December 1998 with stamping deficient plans for a residential project. After an administrative hearing, the Board issued an order assessing a \$1,000 fine and a one-year probation in which his work was subject to peer review. The licensee failed to comply with the order and the Wyoming Board suspended his license for one-year, and he must comply with the previous Board order. Subsequently, that action was appealed to the District Court. The Court granted a conditional stay of the suspension but required the licensee must comply with all the other provisions of the Wyoming Board Order.

During the course of the investigation, the licensee was contacted. He advised that he has no pending engineering projects in Washington; however, he would like to keep his license active.

As the Wyoming Board has taken the appropriate actions and the licensee is not involved in engineering activities in Washington, the Board decided that the case be closed with no further action. The licensee will be notified that a record of these actions has been made and may be reconsidered at such time another complaint is filed against him in Washington.

Case No. 00-08-0005

This investigation involved a review of an enforcement action taken by the California Board against a professional engineer, also licensed in Washington. The California Board had charged the licensee with providing structural calculations and plans for a proposed building that were inaccurate, incomplete and completely unusable. As a result of the charges the licensee entered into a Stipulation in Settlement and Decision with the California Board in which he received, in part, a suspension and was required to complete ethics courses. At the direction of the Practice Committee, the licensee was contacted to

provide a statement as to why these violations occurred. In response, the licensee stated the disciplinary action in California occurred as the result of health problems he was experiencing which affected his work.

Since this appeared to be an isolated incident and the California Board has taken the appropriate action, the Board decided that the case be closed with no further action. The licensee was notified that a record of these actions has been made and may be reconsidered at such time another complaint is filed against him.

Case No. 00-08-0012

This investigation involved allegations that a PE violated the rules of professional conduct; participated in project in which he had a conflict of interest; worked outside his area of expertise; and failed to perform with due diligence. The allegations related to activities by the PE in connection with a wastewater treatment system plant. After review the case manager found that the PE made an honest appraisal of the plant, even though he may have made some incorrect statements, none of which appear to have affected the outcome of the evaluation. He further believed that no conflict of interest existed and that the other allegations were unsubstantiated. The Board took no action.

Land Surveying

Case No. 00-01-0003

This complaint alleged a professional land surveyor trespassed and failed to timely record a survey he performed in June 1999 for the complainant's adjoiner. At the time of the complaint, the involved parties were in civil litigation due to a boundary dispute.

After review of the survey documents in question and other supporting documentation, the case manager found that although the survey map contained several omissions, the survey was preliminary in nature due to the boundary dispute. As the land surveyor has failed to properly mark the survey as preliminary, he submitted a record of survey correcting that omission. Since the matter

of trespassing is outside Board authority, with completion of the amended survey map the Board closed the investigation without further action.

Case No. 99-09-0001

This complaint involved allegations that a professional land surveyor erred in a survey, failed to timely record the survey, and acted unethically in violation of professional conduct standards. The survey in question was performed in March 1999.

In review of the investigation record, the case manager found a number of deficiencies on the record of survey and a list of those items was provided to the licensee. The licensee prepared an amended record of survey that was found acceptable by the case manager and was subsequently recorded. The case manager further noted that two remedies requested of the Board, removal of the survey from public records and return of fees paid, were beyond the authority of the Board. The Board accepted the actions of the licensee and the matter was closed without further action.

Case No. 98-07-0004

This complaint alleged a professional land surveyor, while performing a survey, set stakes along the supposed north margin of a roadway, which was not part of the property being platted. The complainant, the adjoining property owner, alleged that the surveyor failed to perform the proper research and set stakes that conflicted with a previous 1994 survey. Also alleged was that the licensee neither filed a record of survey of the work performed or timely communicated with him regarding the matter.

The case manager contacted the licensee directly to explain why the setting of stakes along the roadway is subject to the Recording Act. Following that discussion, the licensee agreed to prepare and record an amended Record of Survey.

Case No. 99-11-0004

A complaint against a professional land surveyor alleged that his decisions about which monuments to accept and where to set new monuments were incorrect. This allegation was based upon the

appearance that the survey failed to conform to accepted lines of occupation and did not agree with another survey on the same property. The survey was performed in a plat that contained many ambiguous dimensions and directions resulting in various ways to interpret platting intentions.

In the opinion of the case manager the survey by the licensee was completed in a justifiable manner and that differences between the two surveys are a matter of professional judgment, not errors.

Case No. 99-09-0002

This investigation involved allegations that a professional land surveyor was unprofessional, failed to return numerous phone calls and performed an erroneous survey on property adjacent to the complainant. The surveyor's response demonstrated that he did communicate with the complainant and claimed that his survey was exempt from recording as the survey only replaced corners previously set and was considered preliminary until payment was made.

In the view of the case manager, the claim by the surveyor that the work was exempt from recording was not valid. The licensee replaced a missing monument thereby requiring the survey be recorded. The surveyor agreed to file a record of survey. The document was prepared, filed and found satisfactory.

Case No. 00-02-0002

This investigation was initiated against a professional land surveyor after case manager review of a complaint against another surveyor. The initial review was prompted by the fact that the two surveyors had created conflicting determinations of a property boundary and the surveyor, in this instance, performed his survey during 1985, however, it was not recorded until January 2000. The case manager found that the response provided by the licensee justifiably explained the methodology and rationale behind his survey and why he didn't record the survey at the time he performed it. The case manager agreed the two surveys do differ, however, it was his belief that these differences resulted from a difference in professional

judgment outside the Board's authority to resolve.

Case No. 00-07-0002

This investigation involved allegations that a professional land surveyor employed by a land surveying firm performed an erroneous survey and violated the fundamental canons and guidelines for professional land surveying services. The survey work performed was related to a short plat of property owned by the complainant. During the course of the investigation, the licensee provided detailed information concerning his activities. After review, the case manager found the licensee's survey documentation and procedure was more than satisfactory.

Case No. 00-08-0009

In this investigation it was alleged that a firm's web site employee listing was showing L.S.I.T. credentials after an individual's name without registration with this office. Investigative activities disclosed the individual has sat for the L.S.I.T. examination, but to date has not received a passing score. When contacted, the individual stated the use of those credentials was without his knowledge and that the credentials had been removed from his name.

Continued from page 7

NCEES Goes On-line with a Practice Civil Exam

accessed at the NCEES Web site. *Sample Questions and Solutions* publication – Sample Questions are also available in a hard copy format. This book features sample questions in each of the civil PE modules, complete with solutions and other information regarding the civil PE examination. The *Sample Questions and Solutions* book may be purchased using the NCEES Web site, www.ncees.org, or by calling NCEES customer service at 1-800-250-3196.

Schedules

October 2000 Examination Results

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	303	218	71.9
Principles & Practice of Engineering			
Chemical	8	1	12.5
Civil			
CIE • Environmental	6	4	66.7
CIG • Geotechnical	23	17	73.9
CIS • Structural	33	23	69.7
CIT • Transportation	96	44	45.8
CIW • Water Resources	57	37	64.9
Control Systems	11	10	90.9
Electrical	33	9	27.3
Environmental	12	9	75.0
Fire Protection	9	3	33.3
Industrial	2	2	100.0
Mining/Mineral	2	1	50.0
Manufacturing	3	3	100.0
Mechanical	70	32	45.7
Nuclear	1	1	100.0
Structural I	41	27	65.9
Structural II	40	14	35.0
Structural III	59	17	28.8
Land Surveyor in Training (LSIT)	39	24	61.5
Principles & Practice of Land Surveying (6) hr	30	24	80.0
Principles & Practice of Land Surveying (2) hr	60	36	60.0

2001 Calendar of Events

January

1 & 15 10-11	State Holiday Committee & Board Meeting	La Quinta Inn
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February

14 19	PC Only State Holiday	TBD
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March

21-22	Committee & Board Meeting	La Quinta Inn
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April

19-21	Exam Administration	
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May

3-5 16-17 28	Western Zone Meeting Committee & Board Meeting State Holiday	La Quinta Inn
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June

13-14	Committee & Board Meeting	La Quinta Inn
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July

4 18	State Holiday PC Only	TBD
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August

1-4 22-23	Annual Meeting Committee & Board Meeting	La Quinta Inn
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September

3 26-27	State Holiday Committee & Board Meeting	La Quinta Inn
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October

25-27	Exam Administration	
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November

12, 22 & 23 14-15	State Holidays Committee & Board Meetings	La Quinta Inn
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December

19 25	PC Only State Holiday	TBD
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Note: The address for La Quinta Inn is 1425 E 27th, Tacoma WA

Message from the Chair

and referral to one member of the board to serve as case manager. Whenever possible the case manager is selected based on the expertise involved.

The next step is for the investigator and the case manager to formulate an investigation plan that will serve as the outline for the investigator to follow. It includes such things as persons to be contacted, documents to be obtained, site visits if necessary, schedule of progress and potential violations to be researched. The investigative process then follows with frequent exchanges between the investigator and the case manager to assure the needed information is obtained and documented. Upon belief of the case manager that the investigator has completed the assignment, a final report is prepared by the investigator and the complete file is then turned over to the case manager for detailed evaluation. The case manager then becomes responsible (sometimes more than one member will serve as case manager on an investigation) to review the material, identify whether violations have been confirmed and forward recommendations for case disposition. Those recommendations may include a decision from “no action” because it is unsubstantiated or is minimal in nature to the filing of a “Statement of Charges” and an opportunity for the licensee to have a hearing before the full Board. Should a hearing occur, the case manager does not attend or participate in any way in the judicial process.

If you follow the disciplinary actions in the Journal over the years, you will know that we have taken both informal action and formal actions. The informal actions were letters expressing some level of concern over the individuals conduct and sometimes asking that corrective steps be taken. The formal actions were those taken after a hearing or where a formal settlement order had been agreed to between the Board and the licensee. One of the important changes to this past practice on informal actions is that these letters are no longer being issued. It was believed that the informal letters did not provide licensees with adequate due process. There was also some question on the actual effectiveness of such letters since they did not represent an order of the Board. The most visible result of this change will be that far more investigations will involve the issuance of Statements of Charges, Agreed Orders and Hearings.

The Board is currently managing about 50 open

cases. The purpose of an investigation plan is to focus and guide the investigations. This seems to be speeding up some of the investigation activity. However, we are now experiencing another bottleneck as we move more cases to formal action. The Board is hopeful that with adequate support from the Attorney General’s Office, passage of the Business and Professions Disciplinary Act and, most importantly, support from licensees who wish to help by way of being a technical consultant to the Board, that the goals of being timely and fair will be easily reached. It may at times appear that the Board is being less aggressive with discipline as we move through this transition. My fellow members and I assure you that all complaints are being processed and disciplinary actions will be taken when appropriate.

Continued from page 6

Q&A

Structural I on Friday and the Structural II on Saturday. For more information refer to the article in this Journal titled, “New Conditions for Structural Licensing”.

The Business and Professions Disciplinary Act

Question: *I have heard that the Board is considering asking for a change to their law so that they will have more authority in regard to investigations and enforcement. Is that true?*

Answer: That is partly correct. Actually, this Board has participated with all licensing programs in the Business and Professions Division of the Department in the creation of a draft proposal called the Business and Professions Disciplinary Act. This proposal is intended to help all licensing programs by creating more uniform conditions and authorities under which these programs can impose sanctions.

In particular, the Board of Registration stands to see much needed improvements to its ability to effectively deal with unlicensed practice and other serious license infractions like aiding and abetting unlicensed practice. The improvements will give the Board permission to follow those new conditions and authorities but such course of action is not required. The Engineers/Land Surveyors board will retain its ability to apply its discretion and judgment as the circumstances so warrant.

More information on this proposal will soon be available on our web site at www.engsfront.wa.gov.